

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 11/3/2014

UNITED STATES OF AMERICA,

Plaintiff,

-v.-

NARCO FREEDOM, Inc.,

Defendants.

14 Civ. 8593 (JG)

ORDER TO SHOW CAUSE
FOR A TEMPORARY
RESTRAINING ORDER

WHEREAS, upon the declaration of Sue O'Connor, sworn to on October 27, 2014 ("O'Connor declaration"), the exhibits attached to that declaration, the declaration of Cristine Irvin Phillips, sworn to on October 28, 2014, the memorandum of law of the United States in support of a temporary restraining order and preliminary injunction, and the Complaint in the above-captioned action;

IT IS HEREBY ORDERED, that the Defendant Narco Freedom show cause before this Court, at Room 12B, United States Courthouse, 500 Pearl Street, in the City, County and State of New York, on ~~October~~ ^{November 12}, 2014 at ~~4:30 PM~~ ^{4:30 PM} or as soon thereafter as counsel may be heard, why an order should not be issued pursuant to 18 U.S.C. § 1345 enjoining Narco Freedom during the pendency of this action from committing violations of the Federal Anti-Kickback Statute, 42 U.S.C. § 1320a-7b, and it is further

ORDERED, pursuant to 18 U.S.C. § 1345, that, sufficient reason having been shown that, unless enjoined by the Court, Narco Freedom is likely to commit violations of the Anti-

Kickback Statute, Narco Freedom accordingly is, pending the hearing of the United States' application for a preliminary injunction:

1. temporarily restrained and enjoined from evicting or otherwise removing an individual ^(who is enrolled in an outpatient program as defined below) residing at any "Freedom House" (defined as (i) any facility that is operated by an entity other than Narco Freedom, listed on Exhibit A to the O'Connor declaration; or (ii) any facility that is leased, operated by, or affiliated with, Narco Freedom that houses individuals receiving treatment in an outpatient chemical dependency or methadone program ("outpatient program")), based on his or her failure or refusal to enroll in or attend an outpatient program operated by Narco Freedom; *This paragraph does not prevent Narco Freedom from removing an individual who presents an imminent safety concern to the residents or property of the Freedom House in which he or she resides.*
2. directed to submit to the United States, within ^{four (4) days} ~~twenty-four (24) hours~~ of the entry of this Order, a list of all individuals who are currently residing in a Freedom House, including for each individual: name, Medicaid identification number, address, telephone number, and the name of the outpatient chemical dependency program in which the individual is enrolled (collectively, the "Resident List");
3. for the duration of this Order, each ^{Tuesday} ~~Monday~~ after entry of the Order, Narco Freedom shall submit to the Government an updated Resident List; in addition, each ^{Tuesday} ~~Monday~~ after entry of this Order, Narco Freedom shall submit to the Government a list of all individuals who have moved out of any Freedom House during the prior week, and for each individual: name, Medicaid ID number, the address and number of the Freedom House at which the individual resided, the circumstances for the individual's departure, and all information.

including address and telephone number, as to the individual's current location;

4. for the duration of this Order, Narco Freedom shall not close or otherwise cease or materially alter the operations of any Freedom House without (i) a minimum of 30 days advance notice to all residents of that Freedom House, and (ii) a minimum of 45 days advance notice to the Government;
5. within twenty-four (24) hours of the entry of this Order, Narco Freedom is directed to show a copy of this Order to all its officers, agents, servants, employees, and attorneys, and any other persons acting on its behalf, including but not limited to all individuals working or providing services at or otherwise operating any Freedom House; and it is further

ORDERED, that service of a copy of this Order upon Jerry M. Soloman, Esq., Hiscock and Barclay, counsel for Narco Freedom, *be made by hand on October 29,* ~~by overnight mail, on or before _____ a.m./p.m.,~~ *2014.*
~~October _____, 2014, shall be deemed good and sufficient service thereof.~~

Dated: New York, New York

October 29, 2014
2:34 P.M.


UNITED STATES DISTRICT JUDGE

Responsive papers must be filed and served by November 5, 2014. Reply papers must be served and filed by November 7, 2014.

Sub/Clerk
10/29/14 U.S.D.J.